

1 RICK D. ROSKELLEY, ESQ., Bar # 3192  
2 MONTGOMERY Y. PAAK, ESQ., Bar # 10176  
3 NEIL C. BAKER, ESQ., Bar # 14476  
4 LITTLER MENDELSON, P.C.  
5 3960 Howard Hughes Parkway, Suite 300  
6 Las Vegas, NV 89169-5937  
Telephone: 702.862.8800  
Fax No.: 702.862.8811  
Email: rroskelley@littler.com  
Email: mpaek@littler.com  
Email: nbaker@littler.com

7 Attorneys for Defendant  
8 BRIAD RESTAURANT GROUP, LLC

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11  
12 JEFFREY ANDERSEN, an individual, on  
behalf of himself and all similarly situated  
13 individuals,

14 Plaintiff,

15 vs.

16 BRIAD RESTAURANT GROUP, LLC., a  
17 New Jersey limited liability company; and  
DOES 1 through 100, inclusive,

18 Defendant.

19  
20 Case No. 2:14-cv-00786-GMN-BNW

21 **STIPULATION AND ORDER TO STAY  
ALL PHASE II PROCEEDINGS**

22  
23 **(First Request)**

24 Plaintiff JEFFREY ANDERSEN (“Plaintiff”) and Defendant BRIAD RESTAURANT  
25 GROUP, LLC (“Defendant”) (referred to collectively as the “Parties”), by and through their  
26 respective counsel of record, hereby stipulate to and request an order granting a temporary 90-day  
stay of all proceedings in the this matter to avoid unnecessary litigation costs while the Parties  
execute mediation with Hunter Hughes, Esq., an experienced mediator of wage and hour class  
actions located in Atlanta, Georgia, with whom counsel for the Parties have recently settled a similar  
matter.

27 The Court is aware of the lengthy procedural history of this action. It is worth noting that  
28 only with the Parties now having digested the appropriate standard for resolving cases under the

1 Nevada Minimum Wage Amendment and in the wake of this Court's class certification order and  
2 subsequent motion practice surrounding composition of the Certified Class, has an accurate  
3 alleged damages accounting based on the proper information upon which to base an earnest  
4 settlement effort been feasible. Having now exchanged extensive and focused class discovery and  
5 performed their own respective analyses of the class time and pay data, the Parties have come to a  
6 mutual, good faith belief that they can resolve this matter with only minimal additional expense  
7 through mediation with Mr. Hughes. Counsel for the Parties recently used Mr. Hughes's services to  
8 settle a putative class action involving claims similar to those at issue here and believe that his  
9 familiarity with the particular issues in this case, along with his extensive experience and expertise in  
10 wage and hour class actions in general, will be invaluable for resolving this matter. The Parties ask  
11 to stay the instant proceedings to schedule a mediation date with Mr. Hughes, whose availability is  
12 limited by high demand for his services.

13 The Joint Discovery Plan and Scheduling Order for Phase II Discovery provides a deadline to  
14 disclose rebuttal experts of March 9, 2020, a discovery cutoff deadline of April 7, 2020, and a  
15 dispositive motion deadline of May 7, 2020. The Parties were in the midst of conducting discovery  
16 when they completed their analysis of the class pay and time data and began discussing the  
17 promising prospect of mediating the case with the assistance of Mr. Hughes. As the additional costs  
18 associated with continuing discovery efforts would prove unnecessary if the Parties were to resolve  
19 this matter at mediation, the Parties request a stay in this matter to avoid putting those costs to waste.  
20 In the absence of a stay, the Parties anticipate incurring costs related to the completion of written fact  
21 discovery and the completion of expert discovery, including deposing expert witnesses and rebuttal  
22 expert witnesses.

23 The Parties therefore request the following:

24 • That the Court enter a temporary 90-day stay of this matter beginning February 21, 2020, and  
25 going through May 21, 2020;

26 • That the Court stay the Parties' discovery cutoff deadline and order that the time remaining  
27 on the deadline as of February 21, 2020, immediately recommence upon the lifting of the  
28 stay, setting the new deadline at July 6, 2020;

1           • That the Court stay the Parties' deadline for disclosing rebuttal expert witnesses and order  
2           that the time remaining on the deadline as of February 21, 2020, immediately recommence  
3           upon the lifting of the stay, setting the new deadline at June 4, 2020;  
4           • That the Court stay the Parties' deadline for filing dispositive motions and order that the time  
5           remaining on the deadline as of February 21, 2020, immediately recommence upon the lifting  
6           of the stay, setting the new deadline at August 5, 2020;  
7           • That the Court stay the Parties' deadline for filing the Pre-Trial Order and order that the time  
8           remaining on the deadline as of February 21, 2020, immediately recommence upon the lifting  
9           of the stay, setting the new deadline at September 7, 2020 (unless a timely dispositive motion  
10          is filed, in which case the deadline for filing the Pre-Trial Order will be suspended until 30  
11          days after entry of a decision on the last such motion, or until the date ordered by the Court).

12          Dated: February 21, 2020

13  
14          Dated: February 21, 2020

15          /s/ *Daniel Bravo*

16          DON SPRINGMEYER, ESQ.  
17          BRADLEY SCHRAGER, ESQ.  
18          DANIEL BRAVO, ESQ.  
19          WOLF, RIFKIN, SHAPIRO,  
20          SCHULMAN & RABKIN, LLC

21          Attorneys for Plaintiff and the Certified  
22          Class

23          /s/ *Neil C. Baker*

24          RICK D. ROSKELLEY, ESQ.  
25          MONTGOMERY Y. PAEK, ESQ.  
26          NEIL C. BAKER, ESQ.  
27          LITTLER MENDELSON, P.C.

28          Attorneys for Defendants

20          **IT IS SO ORDERED**

21          **DATED: February 26, 2020**

22  
23  
24            
25          \_\_\_\_\_  
26          BRENDA WEKSLER  
27          UNITED STATES MAGISTRATE JUDGE

28          4826-7434-5397.1 058582.1012